**DOCKET ITEM #6*****Text Amendment #2015-0005 – Sign Regulations***

Issue: Consideration of (A) initiation of a Text Amendment, and (B) Text Amendment to amend the Zoning Ordinance Article IX regarding signs on public rights-of-way.	Planning Commission Hearing:	January 5, 2016
	City Council Hearing:	January 23, 2016
Staff: Alex Dambach, AICP, Division Chief – Land Use Nancy Williams, Principal Planner Joanna Anderson, Assistant City Attorney		

I. Issue

The recent US Supreme Court ruling in *Reed v. Town of Gilbert* (June 2015) created the need for the City of Alexandria to revise its sign ordinance such that the regulations would be purely content neutral. This is a comprehensive project that is best managed in phases. The first phase, proposed herein, addresses regulations for signage in the public right-of-way, particularly political campaign signs, sidewalk A-Frame signs, and other signs that are placed outside private property. The second phase will address signs on private property. The last phase will focus on any additional changes that may need to be made to the sign regulations in historic districts to the extent they are not already addressed in phase 1 and phase 2.

The Phase 1 proposal includes text amendments to the Zoning Ordinance, City Code, and the *Wayfinding System Design Guidelines Manual*, to prohibit any non-governmental signage in the right-of-way unless an encroachment is provided. This proposal would remove the regulation of right-of-way signage from the Zoning Ordinance and instead integrate right-of-way signage regulations fully into the Streets and Sidewalks section of the City Code.

II. Background

Zoning Ordinance and Current Policy

The Zoning Ordinance began regulating signage in 1951, and the current Sign Ordinance was adopted in 1988. Regulations specifically for political signs were last updated by Ordinance No. 4355 in 2004. The Zoning Ordinance generally prohibits signs in the right-of-way. The key exceptions are for political signs and for the King Street A-Frame Sign Program.

Political signs, under current regulations, are allowed on public rights-of-way for up to 90 days before the election and until 15 days after the election. The current regulations allow signs to be installed in public rights-of-way with restrictions on the size and location of the signs and with the posting of a bond.

The King Street A-Frame Sign Program (King Street Wayfinding) is a special wayfinding program established in November 2008. It allows restaurant and retail oriented establishments in the Central Business District that are located on side streets to collectively design and place a single, portable A-Frame sign at their nearest street corner along King Street in order to direct pedestrians to their businesses. This program's current policy was established in the 2010 *Wayfinding System Design Guidelines Manual*, and regulations were added in 2011 to the Zoning Ordinance. This program has been very popular with side street businesses, and nearly every King Street intersection has retail wayfinding signs accordingly.

Reed v. Town of Gilbert Decision

In June 2015 the US Supreme Court made a ruling in the case titled *Reed v. Town of Gilbert* which caused a significant change in approach to sign regulations than had previously been used in Alexandria and many other localities across the country. The case involved a sign ordinance in the Town of Gilbert, Arizona that regulated signs differently according to content-based sign types such as directional signs, church signs, and political signs. A church appealed the City's regulations because they were limited to certain size signs that they used to direct parishioners to their church, yet signs with other messages were allowed to be much larger. They argued that if the visual clutter is the concern being addressed with sign regulations, then the message on the sign should not make a difference and all types of signs should be treated fairly.

The Supreme Court took a conservative view and held that any regulation that distinguishes signs based on what they say is considered to be content based, and content based regulations are legally subject to strict scrutiny and are thus only allowed if they are narrowly tailored to serve a compelling governmental interest and other avenues of communication are available for the user of the sign. Aesthetic and safety justifications are not enough of a reason for a sign regulation to survive strict scrutiny. The ruling basically says "if you have to read the sign to know if it complies with zoning, the regulation is invalid." Based on this ruling, regulations need to be content-neutral and should be based on location, size, number, and other non-content factors.

As a result, the City's sign regulations will need to be completely revised in order to make them content neutral in accordance with the Court's ruling. Staff proposes to base a revised ordinance on a model ordinance prepared by the Local Government Attorneys of Virginia (LGA), which will also be used by other Virginia jurisdictions to ensure consistent compliance with the Court's ruling.

Specifically in regard to signs in the right-of-way, the City will no longer be able to limit the allowed signs by the type of sign. If any signs are allowed in the right-of-way, all signs including commercial signs, would also be required to be allowed in the right-of-way.

Related Issues

Staff encountered some problems with the current regulations over the years. City staff gets numerous complaints about the overabundance of campaign signs and the resulting clutter during each election period. The sign installations also create difficulty for street maintenance staff when they need to mow medians and planting strips. The King Street Wayfinding program has issues resulting from lack of sign maintenance by the collective groups of businesses that own each sign, lack of sign adaptability when businesses open or close, and problems with signs easily getting knocked over or moved such that they block pedestrian travel.

Ad Hoc Group - Policy Development

At the time of the Supreme Court Ruling staff had already been working on a solution to the issue of other types of right-of-way signs that are prohibited by the Zoning Ordinance. In the mid-to-late-2000s many individual businesses along pedestrian-oriented streets, such as King Street and Mt. Vernon Avenue, began placing their own A-Frame signs in front of their stores and restaurants, even though these signs were not permitted. Generally, public response to these installations was neutral at first, and because that time period was a major recession, enforcement against these signs was not a high priority, and was only handled on a complaint basis. Complaints about these signs were rare. Some in the business community began to support the idea of making these types of signs permissible under the Zoning Ordinance. In the summer of 2015, the City organized a 16-member Ad Hoc Group On A-Frame & Digital Signage (Group) to develop policies relating to A-Frame signs for individual businesses, improvements to the current King Street A-Frame wayfinding program, and policies for electronically changeable signage, which is also generally not permitted. The Group held numerous meetings in the summer and fall, and developed final policy recommendations on these topics, and it continues to meet as this project goes through its later phases.

The Group's policy recommendations for A-Frame signage both for individual businesses and for the King Street Wayfinding program are as follows:

Individual Business A-Frame Signage:

1. The Group considered possible ways to permit A-Frame signs in front of individual businesses along King Street and other commercial streets in Old Town, but found that the visual clutter, pedestrian travel disruptions, and maintenance challenges make individual business A-Frames in Old Town impractical.
2. The Group concluded that A-Frame signs should not be permitted in historic districts and instead should become permitted outside of regulated historic districts (outside Old Town) and only on private property with these requirements:
 - a. A-Frame signs on private property should be limited to within a specific distance (15 feet) from the building face of a commercial building.
 - b. A-Frame signs must be prohibited from blocking walkways and vehicle cartways on private property.
 - c. There needs to be a permitting process for businesses to put out A-frame signs on their property.
 - d. Safety standards are needed to avoid A-Frames falling over. This should include requirements of a minimum weight of 20 pounds; bracing to prevent the signs from flattening and falling; and durable materials such as slate, marker board, stainless steel, aluminum, aluminum composite,

laminate plastic, or medium density overlay plywood painted with enamel paint.

- e. Existing maximum size limits of 42 inches in height and 24 inches in width should be maintained for A-Frame signs, and A-Frame signs should not have their size area counted as part of the area allowed for wall, hanging, or window signage on businesses.
- f. A-Frame signs would be prohibited in the Old and Historic Alexandria District and the Parker-Gray District

King Street Wayfinding Policy Recommendations:

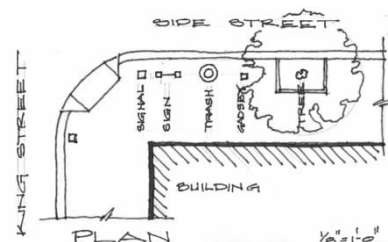
1. The existing King Street wayfinding A-Frame signage program has been very valuable in directing pedestrians to side street businesses and this type of program is essential to maintaining a healthy business district. A business wayfinding program should not be eliminated.
2. The current King Street A-Frame program needs improvement to avoid the current program's problems with signs that frequently fall over, are poorly maintained, get moved into walkways and block walking areas or handicap ramps, and are difficult to update when businesses open or close.
3. The Group found that an alternative sign type is needed to the current program sign model.
4. While the Group initially considered various alternative signs designs, including light-pole mounted signs, it now recommends a flat, 2-sided, sidewalk-mounted monument-style design with spaces for individual business sign panels to be inserted or removed as needed. Each business's sign panel would either be slid into a sleeve or bolted onto a track. This program would be operated and managed by the City instead of collectively by groups of businesses. Each business would apply and pay an annual fee to have their signage installed on the appropriate monument sign. Based on current usage trends found along King Street, the Group finds that there should be panel installation spaces on each sign for either 6 or 12 panels based on the number of



Sample drawing of a 12-panel sign



Sample drawing of a 6-panel sign



- businesses in the vicinity, with smaller panels to be used for the 12-panel signs.
5. The Group also recommends expanding this program beyond King Street to other pedestrian-oriented shopping streets including Mt. Vernon Avenue, Washington Street, and possibly other areas, where appropriate. These other business districts would be strengthened with a similar program.
 6. The new monument signs should have a maximum height of 42 inches and a maximum width of 24 inches. Locations for these signs shall take into account the need for vehicle vision clearance and pedestrian safety.

Because of the Supreme Court ruling and other policy recommendations necessitate a very thorough set of amendments to signage regulations, the recommendations made by the Ad Hoc Group will be integrated into the overall revision of the sign regulations during each appropriate phase. The first phase integrates many of the above listed policy recommendations of the Ad Hoc Group, particularly relating to the wayfinding program and the reinforcing of the prohibition of A-Frame signs on the public right-of-way. The Group's other recommendations regarding A-Frame signs on private property will be addressed as part of the second phase that will address signs on public and private off street property.

When this project of revisions to the sign regulations was expanded to include compliance with the US Supreme Court ruling, the Ad Hoc Group's role was also expanded to assist and advise staff in further revising the Zoning Ordinance and City Code in this regard. The Group met on November 11, 2015 and again on December 7, 2015 and will continue to meet to discuss these additional changes. The Group proposes the following policy recommendations for this first phase directly in relation to the Court ruling:

1. References to signage in the right-of-way should be removed from the Zoning Ordinance
2. The City Code should be amended to include regulations restricting signs in the right-of-way to governmental signage. The King Street wayfinding signage is governmental signage.
3. Half of the Group members proposed that there should be an allowance for signs to be placed in the right-of-way only during times of elections, however, the time periods of allowance should be shorter than the currently allowed 90 days before an election and 15 days after, and there should be more restrictions on these signs than currently exist in the Zoning Ordinance. The other half of the Group membership proposed that signs should not be permitted in the right-of-way, even during election times. The Group supporting election-time signs in the right-of-way proposed the following restrictions:
 - a. Signs in the right-of-way should be allowed up to 30-days before and up to 7-days after a local, state, or federal election.

- b. There should be an application fee and appropriate bond deposit to cover City costs for managing right-of-way signs during an election time, and there should be limit on the number of signs allowed to be installed for each election.
- c. If possible, there should be distance limits for placement of signs and designated areas of the City where signs should be prohibited.

III. Discussion of Proposed Text Changes

The *Reed v. City of Gilbert* ruling has had a significant effect on Alexandria's Zoning Ordinance, as it has affected zoning ordinances for most cities around the nation. Because of this ruling, many aspects of the current Zoning Ordinance for signage have become unenforceable. While amendments are needed for all components of the signage regulations that relate to sign content or content-based sign categories, a pressing issue is that of signs in the public right-of-way. Because the City specifically allows signs in the right-of-way in the Zoning Ordinance, which governs the land uses primarily of private parties, the City can no longer limit signage installations in the right-of-way to only political campaign signs and the King Street Wayfinding program, which are both content-based regulations. As a result, the City has been limited in its ability to enforce proliferations of other types of signs that have recently been placed in roadway medians and along the sides of streets. Because the City currently allows certain signs in the rights-of-way, it effectively has to allow all signs in the rights-of-way and is only able to regulate size and placement locations but only for traffic safety purposes. **The issue before the Planning Commission and City Council now is whether to continue to allow all types of signs in the right-of-way at all times, only at certain times (such as just before and after an election), or not at all. Staff recommends that City ordinance no longer permit any private signs in the right-of way, for several reasons.**

Analysis and Remedy – Text Change

The City's existing sign ordinance is a reflection of the importance that citizens place on the quality of their built environment. Signs are an important element of the streetscape, and the City has long recognized that a well-designed and harmonious streetscape provides benefits to those who experience it. One of our urban design principles is that the streets serve as important public spaces in the same ways as parks, plazas, trails and other open spaces.

Private right-of-way signs are not designed to be harmonious with their surroundings but instead to attract the attention of motorists. They generally do not display high standards of design. To overcome size limitations, multiples of the same sign are often placed in a series. They are not likely to be durable or well-maintained after the initial placement. The result is the potential for considerable visual clutter.

Private signs in the right-of-way essentially consist of turning over a portion of the public sphere to private enterprise. The City has taken steps to ensure the quality of signs on

private land that are visible from the right-of-way (which will be further addressed in the next phase of this project) including, for example, moving away from pole-mounted signs to monument signs. Staff believes it would not be workable to develop and implement a right-of-way sign program that achieves the same goals as our regulation of signs on private land without a considerable additional investment in an approval and regulatory process.

Private signs in the right-of-way, even in locations away from intersections, are a distraction for drivers and compete for their attention when they need to be focused on navigation.

Proposed are text changes to the Zoning Ordinance, the City Code, and the the *Wayfinding System Design Guidelines Manual*, which dictates policy for governmental wayfinding signage, to integrate many of the suggestions of the City's Ad Hoc Group for A-Frame and Digital Signage and to integrate staff-generated amendments based on the *Reed v. Town of Gilbert* Supreme Court ruling. For the Zoning Ordinance, the text amendments are primarily deletions of the sections that relate to public rights-of-way along with the addition of Section 9-103 (F) clarifying that right-of-way signage would not be regulated under Zoning. This is necessary in order to develop a clear delineation between signage serving a governmental purpose in the right-of-way, and signage on property the land use of which is regulated and restricted by the Zoning Ordinance. Additionally, a new Section 9-204 is added to replace the existing Section 9-108, which are the Political Sign regulations that are considered content-based, and thus, should be removed. This new section permits additional temporary signage to be added to private property only during a time period that is 90 days before an election and 15 days after an election. This new section in no way dictates the content of that signage, but only dictates the time period when that signage can be used.

Section 9-202 (F) of the Zoning Ordinance is also proposed to be removed. This is the Zoning Ordinance section that was added to support the King Street Wayfinding program. Because staff finds that wayfinding signage, even if it contains commercial information, is governmental signage it, should be governed by the City Code and by City policy documents. Accordingly, amendments are also proposed for the *Wayfinding System Design Guidelines Manual*, which governs the City's wayfinding signage program, to integrate the recommended signage changes from the Ad Hoc Group.

For the City Code, text is proposed to be added for items such as street-crossing banners, which require a City permit, and clarifying that signs in the right-of-way are encroachments on public property and should be treated as such. It also changes the penalty structure for installation for signs in rights-of-way, increasing the fines, adding the ability of the City to recover removal and enforcement costs, and making signage installation a Class IV Civil Violation. This is an important change, in that it allows enforcement activity to be taken not only by Zoning enforcement staff but by other City officers, and the fine structure becomes high enough that difficult enforcement efforts against violations such as 'bandit sign' installations (for example "We buy Junk Cars" signs), which require extensive investigatory work, become cost-effective. Also, this

amendment permits removal of such signage without the sign owner assuming any legal right to the continued presence of that sign or to any remedy for the removal of the sign.

Alternative to the Staff Recommendation – A Window (Time Period) Allowing All Signs Before and After an Election

The included text amendments would fully remove the ability for private parties, unless acting on the government's behalf, from installing any signage in the public right-of-way. Some members of the Ad Hoc Group and other have expressed concern that this amendment would remove the ability for political campaigns to place any signage on public rights-of-way, thus removing an avenue of political speech that has been quite popular in Alexandria. Half of the Ad Hoc Group membership felt that, while changes to the current political signage policies are necessary, it is also necessary to allow signs during an election time period to be placed in the right-of-way, especially to enable people who live in apartments or condominiums to have a place to post political signs. Based on these recommendations, staff is providing alternative text that could be added to the City Code if the Planning Commission and/or City Council consider it necessary to provide an avenue for limited signage allowance during the times of elections. If political signs are permitted, all other signs would have to be permitted as well.

If this alternative is selected, Ad Hoc Group members recommend that the “window” for the placement of signs before an election be limited to 30 days before an election and 7 days after. Staff is also suggesting that the total number of signs be limited to 1,500. The 1,500 number is not the result of analysis but rather informal discussion with members of the public who have been involved in placing political signs over the years and who have indicated that 1,500 signs provides sufficient, but not necessarily blanket, coverage of the City.

The window of 30 days before the election was selected because there are years with multiple elections – primaries and general elections – and long time periods could result in much of the year being open for sign placement. Neighboring Arlington County's pre-election window is 30 days.

Sec. 5-2-172. - Exceptions.

(a) This article shall not apply to the following signs:

- (1) Regulatory, traffic, or informational signs established or posted by or at the direction of an authorized City department.**
- (2) Signs required to be posted pursuant to State, local, or Federal laws.**
- (3) Temporary signs placed in the right-of-way () days prior to and () days after a National, State or Local Election with the following standards:**

- a) Such signs may be mounted on the ground only in the grass portion of the public right-of-way, adjacent to a street, road, highway, alley or sidewalk.
- b) No such sign may be posted in any public garden or landscaped area.
- c) No such sign may be placed within the public right-of-way of Washington Street, or the George Washington Memorial Parkway.
- d) No such sign shall be placed within 15 feet of any point at which the curb or curb line of any two intersecting streets meet, within 15 feet of the end of any street median, or within any traffic channelization island.
- e) Any sign erected or displayed within the public right-of-way shall be free standing, shall have no part of the sign or support thereof extending more than 42 inches above ground level, and shall be supported by no more than two supports, each support having dimensions of no more than one inch by two inches. The width of the sign shall be no more than 24 inches, and its thickness shall be no greater than 1 inch. Such sign is permitted to be 2-sided.
- f) Prior to the display of any sign within the public right-of-way, a cash bond in the amount of \$200.00 shall be deposited with the City Manager. The bond will be refunded unless there has been a violation of the provisions of this article, in which case the City shall retain the entire amount of the bond to defray the cost of enforcing the provisions of this article.
- g) Signs, including sign posts or stakes, shall be removed within 7 days after the National, State or Local election.

(b) An application and fee shall be submitted for the installation of signs in the right-of-way. There shall be an application fee of \$100 dollars. An applicant shall be permitted to post no more than one-thousand-five-hundred (1,500) signs with this application and fee payment.

(c) Nothing in this division shall apply to the installation of a plaque, plate, statue, or other commemorative monument or marker in accordance with permission from an authorized City Department with the approval of the City Council.

IV. Recommendation

Staff recommends that this text amendments contained in Attachments 1, 2, and 3 and possibly in the alternative Section 5-2-172, above, be approved in order to allow for signage in the public right-of-way to continue to be controlled in an orderly manner and to abate the current circumstances where signage in the right-of-way is generally permitted subsequent to the *Reed v. City of Gilbert* decision.

Staff: Alex Dambach, AICP, Division Chief – Land Use
Nancy Williams, Principal Planner
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Attachments: 1. Proposed Zoning Text Changes
2. Proposed City Code Text Changes
3. Proposed *Wayfinding System Design Guidelines Manual* Text Changes
4. Ad Hoc Group on Digital Signs and A-Frame Signs Membership Roster

Proposed Zoning Ordinance Changes

ARTICLE IX. - SIGNS, MARQUEES AND AWNINGS

Sec. 9-100 - General provisions.

9-102 - Definitions.

For purposes of this Article IX, the following words and phrases shall have the meanings ascribed to them below, unless the context otherwise indicates:

~~(E) Banner. Any sign appended on or from a staff, pole, wire, frame or similar support, extending across the entire width of any street, road, highway or alley.~~

~~(U) Motor vehicle sign. Any sign on or attached to a motor vehicle which is being used primarily for the purpose of displaying advertising and is not being utilized in the normal business or work of the vehicle owner.~~

9-103 - Scope of article.

- (A) This Article IX governs the erection and display of all signs, marquees and awnings in the City, except those erected and displayed by the City, the Commonwealth of Virginia and the United States in furtherance of their governmental responsibilities and those required by law to be erected and displayed.
- (B) It shall be unlawful to erect or display, on any building, structure or real property, any sign, marquee or awning unless it is expressly authorized by, is in accordance with and, where applicable, a permit authorizing it has been obtained pursuant to the provisions of this Article IX.
- (C) All rights and privileges acquired under the provisions of this Article IX are mere licenses revocable at any time by the director upon a violation of any applicable provision of this Article IX.
- (D) The provisions contained in this Article IX shall be considered separate from, supplemental to and additional to the provisions contained elsewhere in this

ordinance or other City ordinances. Nothing contained in this Article IX shall excuse any person from compliance with all other applicable provisions of this ordinance or the City code.

(E) Wherever authority is to be exercised under this Article IX by the City Manager or the director, the authority may also be exercised by his or her designee.

(F) This Article shall apply to signs, marquees, and awnings on property not used for public right-of-way. Under no circumstances shall any provision herein authorize placement of a sign on any public right-of-way.

9-104 - Prohibited signs, marquees and awnings and exceptions.

The following signs, marquees and awnings are prohibited or are permitted only as specified below, regardless of their location in the City:

(E) Signs, marquees and awnings encroaching upon a public right-of-way. No sign, marquee or awning, or any part thereof, or any part of the foundation or support thereof, may be erected or displayed on, over or across any street, road, highway, alley, sidewalk or other public right-of-way, unless an ordinance authorizing such encroachment has been enacted by City Council; ~~provided, however, that any banners authorized pursuant to section 9-104(F), political signs authorized by section 9-201(A)(10), signs, marquees and awnings specifically authorized by city council in a commercial zone authorized by section 9-202(B)(4), 9-202(B)(8), and 9-202(F) and curb signs shall not be subject to this section 9-104(E).~~

~~(G) Banners. No banner may be erected or displayed, except (1) across a street, road or highway in a commercial zone for up to ten days pursuant to special authorization provided by city council, and (2) across an alley pursuant to a permit issued by the city manager upon a finding that the banner poses no danger to the safety of the public.~~

~~(I) Motor vehicle signs. No such signs may be erected or displayed.~~

(J) Signs affixed to certain property. No sign may be painted, marked, written, posted or displayed on, or otherwise affixed to, any **private** street sign, bus stop sign or traffic sign, sidewalk, crosswalk, curb, curbstone, street, lamp post, hydrant, railroad trestle, electric light or power pole or telephone pole or wire appurtenance thereof, fixture of the fire alarm system, ~~public bridge~~, drinking

fountain, natural features such as trees, shrubs, rocks or tree stakes or guards; ~~provided, however, that curb signs and signs posted for the purpose of identification of a structure or for safety may be erected and displayed; and provided further, that political signs authorized by section 9-201(A)(10) may, with the owner's permission, be affixed to street lamp posts, electric light or power poles and telephone poles.~~

~~9-108. Political signs.~~

~~Political signs are permitted in the following locations, and for the following periods of time, subject to the following limitations:~~

- ~~(A) Private property. Political signs may be posted on private property with the permission of the property owner or lawful occupant of the property. Such signs shall not exceed the size of the largest sign permitted on such property pursuant to section 9-200.~~
- ~~(B) Public right-of-way. Political signs may be posted within the public right-of-way subject to the following rules:~~
 - ~~1. Such signs may be posted in the grass portion of the public right-of-way, adjacent to a street, road, highway, alley or sidewalk.~~
 - ~~2. No such sign may be posted in any public garden or landscaped area.~~
 - ~~3. No such sign may be placed within the public right-of-way of Washington Street, or the George Washington Memorial Parkway.~~
 - ~~4. No such sign shall be placed within 15 feet of any point at which the curb or curb line of any two intersecting streets meet, within 15 feet of the end of any street median, or within any traffic channelization island.~~
 - ~~5. Any political sign erected or displayed within the public right-of-way shall be free standing, shall have no part of the sign or support thereof extending more than 42 inches above ground level, and shall be supported by no more than two supports, each support having dimensions of no more than one inch by two inches.~~
 - ~~6. Prior to the display of any political sign within the public right-of-way, a cash bond in the amount of \$100.00 shall be deposited with the city manager. The bond will be refunded unless there has been a violation of the provisions of this article, in which case the city shall retain the entire amount of the bond to defray the cost of enforcing the provisions of this article.~~

- ~~7. No political sign shall be erected or displayed within the public right of way more than 90 days prior to the nomination or election to which it pertains. Signs, including sign posts or stakes, shall be removed within 15 days after the announced results of the nomination, or primary, special or general election to which the sign pertains. Successful candidates in nominations or primary elections may continue to display their signs during the interval between the nomination or primary, and the ensuing special or general election, and without posting any additional bond, except where the interval exceeds 90 days.~~

Sec. 9-200 - Signs, marquees and awnings permitted in various zones.

9-202 - Commercial zones.

- ~~(F) A-frame signs. Notwithstanding any provision to the contrary in this ordinance, A-frame signs may be permitted on King Street for businesses within the Central Business District, as defined by Section 8-300, provided they comply with the following provisions:~~
- ~~(a) Application and approval process. An application for an A-frame sign permit shall be submitted and shall include a plan reasonably depicting the location, size, text, appearance and method of installation of the proposed sign to be located in the public right of way, and such additional information as the director may reasonably require. The director may approve the application after determining that the proposed sign plan will be reasonable, attractive and promote pedestrian and retail vitality in the Central Business District, and that there is adequate space remaining within the public right of way to facilitate safe circulation of pedestrian traffic. No material change to the approved plan shall be made without prior written approval by the director.~~
- ~~(b) King Street locations. A maximum of four signs may be located on any one intersection of King Street and each intersecting street, one on each corner.~~
- ~~(c) Eligible businesses. For each sign, eligible businesses include restaurants, retail uses, and retail oriented businesses, which include restaurants and retail and personal services uses, as those terms are defined by this ordinance, located on adjacent blockface on a street within the Central Business District, which street intersects with or~~

~~is parallel to King Street. Eligible businesses shall not include banks, savings and loans, credit unions and contractor or other offices.~~

- ~~(d) Number of signs. A maximum of one A-frame sign is permitted for all eligible businesses on any eligible blockface.~~
- ~~(e) Size of sign. Signs may not exceed 42 inches in height and 24 inches in width.~~
- ~~(f) Illumination. Illuminated signs are prohibited.~~
- ~~(g) Pedestrian safety. Pedestrian safety shall be preserved through the placement and securing of signs so as to permit safe and adequate pedestrian thoroughway along the sidewalk, crossing of streets, entry and alighting from cars and buses, and access to curb ramps.~~
- ~~(h) Temporary signs. All signs, including installation materials, placed in the right of way shall be temporary and shall be readily removable without any damage to the surface of the right of way.~~
- ~~(i) Compliance with law. All signs shall comply with all applicable city, state and federal laws and regulations.~~
- ~~(j) Director requirements. Signs shall comply with such additional reasonable terms and conditions as the director may require and include in the permit.~~

9-204 – Signs Permitted in All Zones

- (A) Additional temporary signs no larger than the largest sign allowed on the property pursuant to Section 9-200 are permitted on any property with the permission of the property owner for no more than ninety (90) days prior to and fifteen (15) days after a National, State or Local election.

Sec. 9-400 - Administration and enforcement.

9-402 – Liability insurance coverage.

- ~~(A) Coverage required. No person may erect, display, construct, reconstruct or alter any sign, marquee or awning for which a permit is required under section 9-401 and which lies on, over or across any street, road, highway,~~

~~alley, sidewalk or other public right-of-way unless and until a liability insurance policy meeting the requirements of this section 9-402 has been obtained and approved by the city attorney. Said policy shall name the city as an "additional insured" and shall protect and hold harmless the city and its agents and employees from and against any suit, action, claim, cause of action, damages, losses, liability and expenses (including court costs and attorneys' fees) resulting from, arising out of or incident to the construction, reconstruction, alteration, maintenance, repair, removal, presence, falling or collapse of the sign, marquee or awning. In addition, the minimum bodily injury protection of said policy shall be \$100,000.00 per person and \$300,000.00 per occurrence, and the minimum property damage protection of the policy shall be \$50,000.00 per occurrence. The city may require additional insurance or other security if the sign, marquee or awning relates to a public right-of-way which supports a high level of vehicle or pedestrian traffic.~~

~~(B) Notice of cancellation.—The insurance policy required by section 9-402(A) shall remain in force and effect during the life of the sign, marquee or awning. The owner of the sign, marquee or awning shall notify the building official of any change in the insurance policy, including any change in amount, carrier or of coverage conditions. Failure to maintain the policy in full force and effect shall be due cause for the city manager to order the removal of the sign, marquee or awning.~~

Proposed City Code Changes

TITLE 5 - Transportation and Environmental Services

CHAPTER 2 - Streets and Sidewalks

ARTICLE A - General Provisions

Sec. 5-2-29 - Street encroachments.

Any encroachment into a public street, alley, sidewalk or other right-of-way may be authorized only by a special ordinance adopted by City Council, unless the encroachment is authorized pursuant to one of the following exceptions or is otherwise authorized by this code or the City of Alexandria Zoning Ordinance:

- (a) Steps. Steps not more than 12 feet in length, including the required landings, may project beyond the street lot line up to five feet on streets with a right-of-way width of 100 feet or more, up to four feet on streets with a right-of-way width between 66 and 100 feet, up to three feet on streets with a right-of-way width between 50 and 66 feet and, notwithstanding the above, up to 20 inches on Union Street and on King Street between the Potomac River and the R.F.&P. railroad right-of-way. The term "steps" in this subsection includes ramps and similar structures necessary to provide access to the handicapped.
- (b) Architectural decorations. Belt courses, lintels, sills, architraves, pediments and similar architectural decorations may project up to four inches beyond the street lot line when less than 10 feet above the curb level, and up to 10 inches beyond the street lot line when 10 feet or more above the curb level.
- (c) Signs. A sign may be erected or displayed flat against a building wall or at an angle thereto, so long as the sign does not project more than four feet from the building wall or within one foot of an established curb line and the bottom of the sign is at least eight feet above a sidewalk or parking area and at least 14.5 feet above an alley.
- (d) Canopies, awnings and marquees. Canopies, awnings and marquees suspended from a building or structure with no ground supports, having a clearance of at least eight feet above a sidewalk, extending no more than four feet beyond the front property line, and extending to no more than one foot from the established curb line, may be erected.

- (e) Nonpermanent planters. Planters which are nonpermanent may be located in a right-of-way subject to the following:
- (1) A permanent planter is one which is attached in any permanent manner to a public right-of-way or to a building, building appurtenance or any other structure, or which rests on a foundation or substructure other than a sidewalk. A permanent planter requires a building permit and an encroachment ordinance. Above-grade permanent planters located in an historic district also require approval by the board of architectural review.
 - (2) A nonpermanent planter is a portable container that is light enough to be transported by two people when empty of soil and plants.
 - (3) A nonpermanent planter may not project into a public right-of-way more than steps would be allowed to project under subsection (a) above and may not exceed 30 inches in height. There is no limit to the number of planters permitted as long as the conditions of this subsection (e) are complied with and the planters are maintained in good condition.
 - (4) A nonpermanent planter must be located so as to maintain a path for public travel at least five feet in width at all points, along any adjacent sidewalk.
 - (5) A permit for a nonpermanent planter must be obtained from the department of transportation and environmental services. The permit application shall include the address of the planter, adequate location drawings, and a sketch, photo or dimensions of the planter. Visual inspection by the director of transportation and environmental services or his designee may be substituted for drawings if the location and description of the planter are recorded on the permit application. After a permit has been granted, it may be revoked and the planter removed from the right-of-way by the director or his designee whenever the applicant fails to comply with any permit conditions. A permit application will be reviewed to determine compliance with the following:
 - a. The location of the planter shall not unduly obstruct the public right-of-way.
 - b. The planter shall be of such design and construction, and the contents shall be of such nature, so as not to constitute a nuisance or public hazard.
 - c. The planter shall be of a design, material and color which are generally recognized as intended for and suitable for the display of plant materials on the public right-of-way in an urban environment and, if located in an historic district, are compatible with the streetscape in the district and are consistent with the applicable design guidelines adopted by the board of architectural review.

- d. The owner of the planter shall agree to move the planter whenever the City requires access to the planter location.
- (f) Benches. Benches and similar street furniture may be placed in a public right-of-way, subject to the following:
 - (1) The bench or street furniture shall be located immediately adjacent to the closest building wall, shall touch the wall along the length of the bench or street furniture, and shall not project from the wall more than 30 inches.
 - (2) The bench or street furniture shall not be used as part of a business for advertising, or for making sales or providing services to customers, and shall be available for use by the general public.
 - (3) The director of transportation and environmental services or his designee shall review any bench or street furniture proposed for a right-of-way and its location, and approve it if he finds that it will not interfere with pedestrian access and safety, will not be an attractive nuisance and will promote the health, safety and welfare of the City.
 - (4) The director of planning and zoning or his designee shall review any bench or street furniture proposed for a right-of-way and shall approve it if he finds that its design is compatible with the character of the surrounding area.
- (g) Rental bicycles. Bicycles offered for rent may be displayed and rented from areas of right-of-way pursuant to section 7-2400 of the zoning ordinance and this section 5-2-29.
- (h) Parker-Gray Historic District front fences. Within the Parker-Gray Historic District, retaining walls less than two feet in height above the lower adjacent grade or fences at the height and location otherwise permitted in a front yard may be constructed in the public right-of-way.
- (i) **Street or Alley Crossing Banner. A sign may be placed across a public street or alley for up to ten (10) days upon a determination made by the City Manager that the sign does not pose a danger to the safety of the public.**
- (i-j) Encroachment requirements. In addition to any other restrictions or requirements imposed by this code or the City of Alexandria Zoning Ordinance, the owner of any sign, canopy, awning or marquee, nonpermanent planter, bench, bicycle display or similar street furniture that encroaches into a public right-of-way pursuant to this section shall also comply with the following:
 - (1) Liability insurance. The owner shall obtain and maintain a policy of general liability insurance in the amount of \$1,000,000 which will indemnify the

owner (and all successors in interest), and the City as an additional named insured, against all claims, demands, suits and related costs, including attorneys' fees, arising from any bodily injury or property damage which may occur as a result of the encroachment.

- (2) Removal of encroachment. The owner or any successor in interest shall remove the encroachment if the City determines that the encroachment interferes with public access or is otherwise inconsistent with the public welfare. In such case, the City shall provide the owner or successor in interest with written notice of the need to remove the encroachment at least 10 days prior to the date on which the removal must be completed. If the owner or successor in interest cannot be found, or fails to remove the encroachment within the time specified, the City shall have the right to remove the encroachment, at the expense of the owner or successor, and shall not be liable for any loss or damage to the encroaching structure that may occur as a result of the removal.

ARTICLE G: Posting of Signs in the Right-of-way

Sec. 5-2-170. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Fixture means a pole; streetlight; tree; tree box; tree stake; fire hydrant; fire alarm box; trash receptacle; stand; wire; rope; public bridge; railroad trestle; drinking fountain; life buoy or any other lifesaving equipment; standard serving as a base or support for a directional sign, traffic regulation or control signal, sign or device; and any other fixture or structure, whether publicly or privately owned or whether permanently or temporarily placed in, on or over a public way. But the term shall not include a fixture permanently attached to a building, structure, pole or standard on private property serving as a base or support for a sign and projecting over a part of a public way installed and maintained in accordance with law.

Public way means a street, sidewalk, alley, road, highway, bridge, viaduct, subway, underpass, park, parkway, playfield, playground and any other similar place in the City opened to and used by the public.

Sign means a sign, placard, banner, flag, bulletin and any other device of any kind posted for the purpose of communication.

Sec. 5-2-171 - Unlawful conduct.

It shall be unlawful for any person to paint, mark or write on or post or otherwise affix to or upon a public way or fixture thereon any sign. It shall furthermore be unlawful for any person to cause or, with knowledge, permit such actions to be taken on such person's behalf.

Willful interference with a person who is engaged in abatement under Section 5-2-173 shall also constitute a violation of this article.

Sec. 5-2-172. - Exceptions.

(a) This article shall not apply to the following signs:

(1) Regulatory, traffic, or informational signs established or posted by or at the direction of an authorized City department.

(2) Signs required to be posted pursuant to State, local, or Federal laws.

(b) Nothing in this division shall apply to the installation of a plaque, plate, statue, or other commemorative monument or marker in accordance with permission from an authorized City Department with the approval of the City Council.

Sec. 5-2-173. - Removal and collection of costs.

Any violation of this article is hereby declared to be a nuisance. No person shall have any legal right to the continued presence of a sign in a public way in violation of this article, nor shall there be any legal remedy against any person solely for the removal from a public way of a sign which is in violation of this article. Any person may abate the nuisance created by a violation of this article without liability for doing so. If abatement is made by the City, the reasonable costs incurred in removal may be assessed against any person responsible for or benefited by the violation, and such costs shall be collected in the same manner as City taxes. For a willful violation, the City shall be entitled to recover costs, the reasonable value of attorney's fees, and punitive damages in any proceeding which it may bring to enjoin future violations.

Sec. 5-2-174. - Penalty for violation.

Violation of this article shall be a class four civil violation which shall be enforced through the levying of a civil penalty pursuant to section 1-1-11 of this code, provided, that the penalty for the first violation shall be \$100, for a second violation of the same regulation or requirement the penalty shall be \$250, and for each additional violation of the same regulation or requirement the penalty shall be \$500. Each individual sign shall be deemed a separate offense. Each day during which any such violation is continued may be treated for all purposes as a separate offense.

Proposed text amendment to Section PD.3 (page 53) of the *Wayfinding System Design Guidelines Manual* that had been approved by the Planning Commission on September 7, 2010. The amendment would read as follows:

PD.3 Pedestrian Directional

a-frame Pedestrian-Oriented Retail Shopping Street Wayfinding Signs

Rationale

~~A-frame~~ Small, installed signs along major pedestrian-oriented retail shopping streets ~~signs such as King Street, Mt. Vernon Avenue, and other similar streets, are a component of and coordinate fully with the design character of the wayfinding program, and allow increased visibility for shopping and dining on pedestrian-oriented side streets. The City will coordinate the fabrication and management of these signs as part of the governmental wayfinding program. Eligible businesses may partner together to apply for a group A-frame sign permit to have a small sign plate added to a pedestrian directional sign structure located at the closest corner along the major shopping street in their neighborhood. Business owners are responsible for coordinating with other eligible businesses, fabricating and applying to participate in this program, designing an insertion that fits into the sign structure, and paying for the necessary fees for participation in the signs. These business must, and complying with City ordinances and guidelines related to signage and administered by the Department of Planning and Zoning and/or the Department of Transportation and Environmental Services. This program would replace the King Street A-Frame Sign Program.~~

Locations

Placed at street corners of the main pedestrian-oriented retail shopping streets in their districts (The Central Business District along King Street, the commercial zones that border Mt. Vernon Avenue, etc.) to direct pedestrians to businesses on those side streets. Approved locations shall comply with ADA and pedestrian access. Pedestrian safety shall be preserved through the placement and securing of signs so as to permit safe and adequate pedestrian thoroughway along the sidewalk, crossing of streets, entry and alighting from cars and buses, and access to curb ramps. A maximum of four signs may be located on any one intersection, one on each corner. For each sign, eligible businesses include restaurants, retail oriented businesses, and personal services.

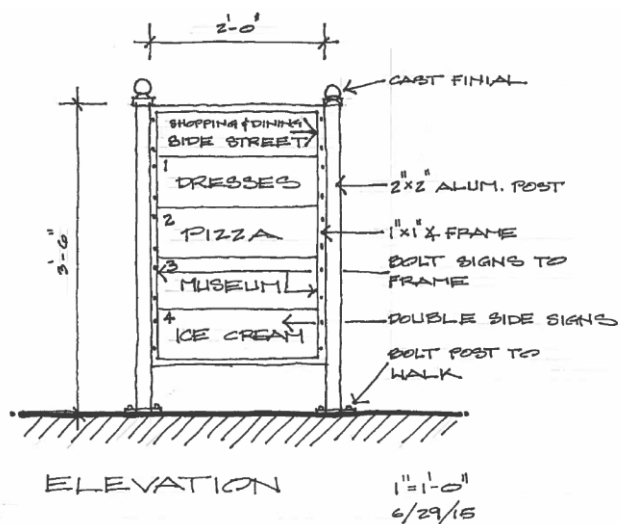
Content and Design

Typeface, flourishes and arrows are standard to the wayfinding system and must be matched. "Shopping and Dining" message may change depending on which services are available on a given street. The live area in the center of the sign ~~may be subdivided into~~ shall be designed as an area for inserting individual sign strips to accommodate ~~however many businesses will appear up to a six or twelve businesses, depending on the sign location and that location's number of affected businesses, to ensure readability.~~ Sign components installed by each business may not exceed the space available for installation as determined by the Director of Transportation and Environmental and Services and the Director of Planning and Zoning. The sign structure shall not exceed 42 inches in height and 30 inches in width.

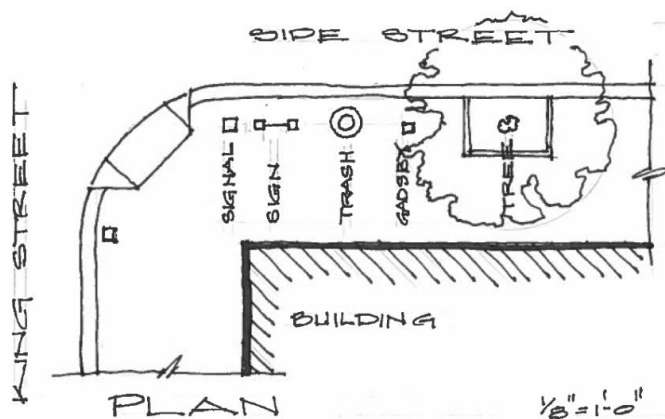
Material

Solid painted black metal posts mounted onto the sidewalk with a supporting frame ~~keep the sign rigid and stable. A top piece contains directional information and is painted black.~~ Metal sign panels, of a minimum thickness, ~~highlight individual business and are inserted into the frame. Of minimum thickness and stability per program requirements sufficient to keep the sign face fit in the frame and to prevent tipping.~~ See illustration of sign framing design and example of placement location:

Text Amendment #2015-0005
Sign Regulations



Structural design for sign



Placement design for sign



Sample drawing of a 12-panel sign



Sample drawing of a 6-panel sign